

REMARKS

Claims 1-23 are pending in the present application. No amendments are made and thusly no new matter is inserted into the application.

Restriction Requirement

The Examiner requires election among the following groups:

Group I, claims 1-5, 10-12, 16, 22 and to claim 13, drawn to DNA molecules encoding a PDSF/SDF-1 receptor, vectors and cell comprising such DNAs, and to a first method of using them (to produce a polypeptide);

Group II, claims 6-9, 15, drawn to PDSF/SDF-1 receptors;

Group III, claim 14 drawn to antibodies to PDSF/SDF-1 receptors;

Group IV, claims 17-18, drawn to methods of screening for AIDS onset inhibitors with cells expressing a PDSF/SDF-1 receptor, by analyzing the location of HIV-1 in the cells;

Group V, claim 19, drawn to methods of screening for AIDS onset inhibitors with cells expressing a PDSF/SDF-1 receptor, by determining the levels of fusion between those cells and cells expressing an HIV-1 envelope protein;

Group VI, claims 20-21, drawn to methods of screening for AIDS onset inhibitors with cells expressing a PDSF/SDF-1 receptor, by determining the intracellular calcium level of the cells;

Group VII, claims 20-21, drawn to methods of screening for AIDS onset inhibitors with cells expressing a PDSF/SDF-1 receptor, by determining the ability of an expressed polypeptide to bind PBSF/SDF-1;

Group VIII, claim 23, drawn to methods of detecting the onset of AIDS, or an HIV-1 infection, using cells expressing a PDSF/SDF-1 receptor, and analyzing the localization of HIV-1 in the cells; and

Group IX, claim 23, drawn to methods of detecting the onset of AIDS, or an HIV-1 infection, using cells expressing a PDSF/SDF-1 receptor, and determining the level of fusion between those cells with HIV-1 infected cells.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-5, 10-13, 16, and 22.

The Examiner argues that the inventions listed as Groups I-VIII do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Applicants respectfully disagree and submit that the subject matter of at least Groups I through II are indeed linked under PCT Rule 13.1.

First, Applicants draw the Examiner's attention to Annex B (PCT Administrative Instructions) of the MPEP (Rev. 1, Feb. 2003) wherein example 17 of pages AI-70 and AI-71 clearly states that a

protein and the DNA encoding said protein are linked by a unity of invention.

Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. **Unity between claims 1 [Protein X] and 2 [DNA sequence encoding protein X] is accepted** (emphasis added).

Example 17 of pages AI-70 and AI-61 is attached hereto for the Examiner's convenience. As clearly stated therein, the Examiner is required to examine a protein and the DNA sequence encoding said protein together. Thus, at least the claims of Group I (i.e., claims 1-5, 10-13, 16, and 22) and Group II (i.e., claims 6-9 and 15) must be rejoined.

Since Applicants elect Group I, and Group II should be rejoined under PCT Rule 13.1, Applicants respectfully request rejoinder of the claims of Groups IV, V, VI, VII, VIII, and IX (i.e., claims 17-21 and 23). As noted by the Examiner, once the product claim is allowed, claims directed to the process of using the product must be rejoined under the holding of In re Ochiai, 71 F.3d 1565 (Fed. Cir. 1995). Thus, the methods of using the polypeptides and/or DNA encoding said polypeptides of the present invention should ultimately be rejoined.

If the Examiner has any questions regarding the above, he is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below.

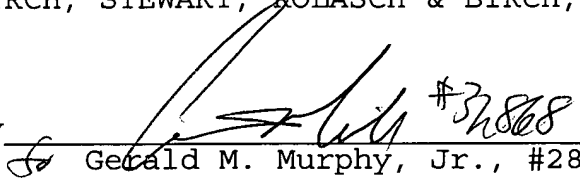
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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